

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES C. FALLON	:	CIVIL ACTION
	:	No. 08-5623
v.	:	
	:	CRIMINAL ACTION
UNITED STATES OF AMERICA	:	No. 02-324

ORDER

AND NOW, this 30th day of November, 2009, upon consideration of the Habeas Corpus Motion Under 28 U.S.C. § 2255 (Document No. 188), the government's response, the Government's Motion to Dismiss Petitioner's Habeas Corpus Motion Under 28 U.S.C. § 2255 (Document No. 192) and the petitioner's response, it is **ORDERED** as follows:

1. The petitioner's habeas corpus motion is **DISMISSED**;
2. The government's motion to dismiss is **GRANTED**;
3. The petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no probable cause to issue a certificate of appealability.

/Timothy J. Savage
TIMOTHY J. SAVAGE, J.